

S-RESA

Southern Regional Education Service Agency

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TO: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

FROM: Timothy Bryant, SCMEED/S-RESA

SUBJECT: Appeal Letter

DATE: October 18, 2010

Dear Sir/Madam,

CC Docket No. 96-45 and CC Docket No. 02-6

The SCMEED/S-RESA Consortium BEN #228683 would like to request an appeal on FRN 1760089. Funding was reduced because there were member entities that did not return their LOA in a timely manner, or decided not to be members of the consortium. The resulting funding reduction would put an undue burden on the member school districts and the consortium.

The funding reduction is also incorrect since the vendor in question does not charge according to membership in the consortium. The charges to house the website are a flat fee, and were negotiated in such a manner to ensure that member districts coming in, or leaving the consortium did not change the cost allocation.

Thank you,



J. Timothy Bryant
SCMEED/S-RESA
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USD263 *Mulvane Schools*

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OCT 25 2010

Dr. Brad Rahe
Superintendent

628 E. Mulvane Street
P.O. Box 130
Mulvane, KS 67110
316-777-1102 / Fax 316-777-1103

FCC Mail Room

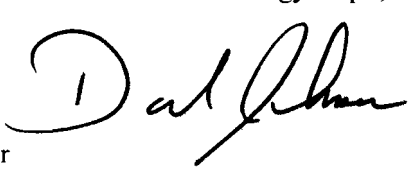
Oct 11, 2010

Request for Review CC Docket No. 02-6 and CC Docket 96-45

Marlene H. Dortch, Secretary
Federal Communication Commission
Office of Secretary
445 12th Street, SW
Washington, DC 20554

The Mulvane School District is appealing the decision of USAC of Sept 13, 2010 for the following item:

On 2/7/07 we conducted a bid opening and awarded Cox the contract for fiber connection between our High School and Central office data center. Our Superintendent signed the contract supplied by Cox in an email sent to us on 2/7/07 and we faxed the contract back to Cox on 2/7/2010. The mistake I made was assuming that Cox would sign the contract and file it; I didn't follow up that day to make sure it was processed; I did have a follow up email from Cox on 2/7/07, thanking us. I did file the 471 on 2/7/07 thinking we had a contract in place. The following month Cox sent us another contract to sign and our Superintendent signed it and we returned it on 3/27/07 not thinking that the date was going to be an issue and not looking to see what happened to the first contract she signed. We fully understand why USAC denied our appeal, the date on the contract on file with Cox is after the 471 filing, but as the attached emails shows we were in contact with Cox on 2/7/2007 and we did sign and fax them a signed contract before we applied for the 471. I hope you can see that we were following the correct procedure in having a contract in place before applying for the 471, and because of an clerical error on not following up on getting the first signed contract back that you can accept our appeal of USAC decision. The E-Rate funding for our School Districts Internet access is vital to us, we are a small district and don't have a clerical staff in the Technology Dept., we are sorry for the mix-up and I hope this explanation straightens everything out.


David Johnson
Technology Director
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djohnson@usd263.com

Dr. Brad Rahe
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Funding Request Number: 1618927
Form 471 Application Number: 583968
Funding Year: 2007
Applicant's Form Identifier: Point to Point
Billed Entity Number: 137886
FCC Registration Number: 0002299907
SPIN: 143006715
Service Provider Name: Cox Kansas Telecom, LLC
Service Provider Contact Person: Tanisha Webb

We received this email from Cox after we notified them they were the low bidder, and we then faxed them the Signed Contract.

From: Jason.Hall@cox.com [mailto:Jason.Hall@cox.com]
Sent: Wednesday, February 07, 2007 2:35 PM
To: Johnson, David
Subject: RE: Point to Point

David,

I don't know if you heard, but the Erate deadline got pushed out until tomorrow, Feb 8.

I have attached a revised quote for the 100 Mbps circuit. Please let me know if this will work better for you. This is contingent upon us receiving the contract from Twotrees, but I talked to Susie and she said they're going with that service. I'll let you know once we have it in hand.

Thanks,

JASON HALL
Senior Account Representative
COX BUSINESS SERVICES
479-717-3716 - office
1-877-636-0524 - toll free
(479)751-4353 - fax
jason.hall@cox.com

This is what we received back from Cox after we faxed in the Original Contract Dated 2-7-2007, again our mistake was not following up and getting a copy of the signed Contract back from Cox.

From: Jason.Hall@cox.com [mailto:Jason.Hall@cox.com]
Sent: Wednesday, February 07, 2007 4:38 PM
To: djohnson@usd263.k12.ks.us
Subject: Digital Transmission

Please call with other questions you may have. thanks!

JASON HALL
Senior Account Representative
COX BUSINESS SERVICES
479-717-3716 - office
1-877-636-0524 - toll free
(479)751-4353 - fax
jason.hall@cox.com

Form 471 Application Number:	583968	
Funding Year:	2007	
Applicant's Form Identifier:	Point to Point	
Billed Entity Number:	137886	
FCC Registration Number:	0002299907	
SPIN:	143006715	
Service Provider Name:	Cox Kansas Telecom, LLC	
Service Provider Contact Person:	Tanisha Webb	
Date of Notification of Commitment Adjustment Letter:	June 29, 2010	
Funding Request Number:	1618927	

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the review it was determined that the applicant did not have a contract in place at the time of submission of the Form 471. This determination was based on a contract provided by the service provider, which was signed after the submission of the form 471 and a follow-up review with the applicant. FCC rules require applicants to have a valid contract as defined by the applicants' state procurement laws and regulations at the time they submit the Form 471. Since the applicant was unable to demonstrate that they had a contract in place at the time of submission of the Form 471 that meets the state laws definition of a valid contract, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Mulvane School District USD 263 Appeal:

The original bid opening for this project (Internet Access) was on 2/7/07 and COX (Service Provider) included the contract with their bid, the Superintendent signed the contract at bid opening and it was faxed into COX. The mistake we made was not following up on Cox signing and returning the contract, see below, the two emails from Cox that show we were communicating on 2-7-2007. We are assuming the second signed contract came about because Cox noticed they didn't have a Contract for us and sent us a new one; we just signed it and returned it, not thinking the date signing would be an issue. We have both the 2-7-2007 contract and the 3-27-2007 contract in our file (both attached). The mistake was just a clerical error on our part, on not following up and getting the signed copy back from Cox on the original 2-7-2007 contract. Receiving a notice from the Program Compliance team dated August, 12, 2009, the COX contract folder was pulled and there were two contracts in the folder. Both contracts had been signed by the superintendent but no signature from COX, also one was dated 2/7/07 and the other dated 3/27/07. We contacted COX and asked them about the two different contracts and they didn't know either, they emailed us a copy of the signed contract they had and it's the one dated 3/27/07 (Attached as a PDF).

We are a small school district and therefore we don't have a secretary that takes care of our E-rate program. We do the best we can with taking care of paperwork and still getting out in the buildings fixing technology issues. Again, we are not sure why the first contract dated 2/07/07 was not processed by COX and they have on record the second contract dated 3/27/07. The E-Rate subsidy is a huge help in getting technology into our classrooms and funding is always an issue. This amount may not seem like a lot to some District but it's a big amount to us. Again we would hope that making a clerical error will not punish us and rescind this e-rate money.

We will do whatever is necessary to make this work.

Please feel free to contact us if you have further questions.

Dr. Brad Rahe
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Mulvane, Kansas 67110
(ph) 316-777-3035 (fx) 316-777-1103
djohnson@usd263.com

Cc: Congressman Todd Tiahrt
Senator Steve Abrams
Senator Sam Brownback
Senator Pat Roberts
Tanisha Reed, COX Kansas Telcom, LLC

October 19, 2010

Ekalaka Public Library
P. O. Box 482 115 S Main ST
Ekalaka MT 59324-0482
406-775-6336
Fax # 406-775-6325
epl@midrivers.com

Received & Inspected

OCT 25 2010

FCC Mail Room

To Whom It May Concern,

Letter of Appeal for Funding Year 2010-2011

CC Docket No. 02-6
Form 471 Application # 755965
Ben 159469
Billed entity FCC RN 0011920089
SPIN 143002535
Service Provider is Mid-Rivers Telephone Cooperative, Inc.

I am writing this Letter of Appeal in hopes of correcting a mistake made when the Form 471 Application was filed. Our FRN-2043442 was not funded and cancelled. I am very new to this process and struggle when filing the forms. I called USAC to find out what happened and apparently there was one form filled in and one incomplete. I do not know how this happened. I am requesting further examination of our application so we could get this much needed funding. We are a very small library and your funding helps us so much.

Thank you for your consideration in this matter.

Sincerely,
Janet Livingston
Director Ekalaka Public Library

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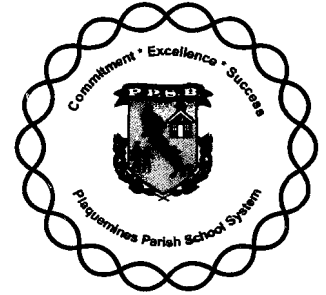
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Plaquemines Parish School Board

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SHARON BRANAN, District 5
CARLTON LAFRANCE, District 6
PAUL LEMAIRE, JR, District 7
HELEN E. BARROIS, District 8
WILLIAM F. MERTZ, District 9

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1484 Woodland Highway * Belle Chasse, Louisiana 70037
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DENIS ROUSSELLE
Superintendent

Plaquemines Parish School Board
Technology Department
Lucien Cusimano
1484 Woodland Highway
Belle Chasse, LA 70037
504-595-6304 – Voice
504-398-9993 – Fax
lcusimano@ppsb.org

October 20, 2010

Reference CC Docket No. 02-6

FCC
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re:	Form 471 Application Number:	494789
	Funding Year:	2005
	Applicant's Form Identifier:	PPSB-05-K
	Billed Entity Number:	139217
	FCC Registration Number:	0012020442
	Spin:	143011959
	Spin Name:	BellSouth Communications Systems LLC
	Service Provider Contact Person:	Brett Behrens

This appeal letter is in response to the Notification of Improperly Disbursed Funds Recovery Letter dated August 25, 2010. An appeal letter has also been sent to USAC. As instructed, I am sending this letter with reference to CC Docket No. 02-6. The language and text of the Funding Disbursement Recovery Report is as follows:

• Funding Request Number	1379503
• Services Ordered:	INTERNAL CONNECTIONS
• SPIN:	143011959
• Service Provider Name:	Bell South Communications Systems, LLC
• Contract Number:	505251
• Billing Account Number:	N/A
• Site Identifier:	139217
• Funding Commitment:	\$24,301.84
• Funds Disbursed to Date	\$23,381.51
• Funds to be recovered from applicant:	\$23,381.51
• Disbursed Funds Recovery Explanation:	

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BY ABCDE

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During an audit it was determined that the following equipment purchased with the Universal Service funds for FY 2005, FRN 1379503, could not be located: 18 of 26 Wireless Access Points. Of the 8 WAPs that were located, 5 were still packaged in the original boxes and had never been opened. The other 3 WAPs had signs of previous usage; however, they were not in use at the time of our physical inventory. FCC rules require that the equipment purchased with program discounts be located at an eligible entity and be utilized effectively for educational purposes. The rules require that applicants retain asset and inventory records of equipment purchased and components of supported internal connections services sufficient to verify the location of such equipment for five years. Since the equipment purchased with Universal Service funds could not be located, the above FCC rules were violated. USAC will seek recovery of \$23,381.50 of improperly disbursed funds from the applicant.

We are appealing the findings of the above report for the following reasons:

Circumstances leading to the purchasing of wireless equipment:

- August 29, 2005, Plaquemines Parish was severely devastated by Hurricane Katrina
- Plaquemines Parish School Board suffered severe damage and/ or loss of 6 of 9 schools
- School Board began planning temporary schools to replace schools in lower end of parish
- Technology department was asked to provide internet connectivity to temporary schools with no knowledge of the type of buildings to be used
- Technology department decided to use wireless connectivity
- Equipment was ordered and funded through the E-rate Katrina window of 2005-2006
- Temporary school buildings were constructed of concrete and rebar and walls were 8 inches thick.
- Wireless access points were installed in classrooms but the thickness of the walls and ceilings prohibited the WAP's from working as expected.
- Technology team then installed WAP's in every room in the schools which were purchased entirely with school board funds.
- The technology team recovered 20 Of the 26 WAP's and are being used in outdoor settings throughout the school system.
- 6 WAP's not recovered were lost due to lightning strikes or building demolition

SLD Audit:

- Technology team was notified of USAC audit on January 7, 2009
- Necessary paperwork was submitted to audit team as requested
- USAC audit conducted on January 27, 2009 by Christopher Lenhardt, CFE and associates
- Auditors were accompanied by Technology team members to school sites
- Visual inspection was done at South Plaquemines High & Elementary schools to locate WAP's
- Visual inspection was attempted at Phoenix School but was cut short because one of the audit team members had to catch a flight out of New Orleans.
- Technology team was not advised of the finding of this audit until August 25, 2010, more than a year and a half later.

Plaquemines Parish School Board Technology Team comments:

- We understand that equipment purchased with E-rate funds should be installed and in use. We also feel however that if equipment does not perform as expected, that equipment should be recovered and utilized where it can perform well and provide a benefit for the students of our district. As stated earlier, the technology team was able to recover 20 of the 26 WAP's which were purchased with E-rate funding. Many of the remaining WAP's are being used within our district in outdoor settings in common areas where students congregate and also for connectivity from building to building.
- We have sent additional documentation to the audit team which shows that this equipment has been bought and paid for and are either being used or are in our inventory. Only six of the twenty-six WAP's have been lost. Five due to an act of nature and one which was destroyed during the demolition of a school. Obviously this additional documentation was not considered when the audit team produced its findings.
- We feel that the audit visit was rushed and the audit team did not consider additional documentation when reviewing this audit
- We feel that we should only have to pay for the six WAP's that were lost and the findings should be reversed or at the very least modified.

Please understand that the remainder of the 2005-2006 and 2006-2007 school years was very trying and challenging for the Plaquemines Parish School System, the residents of the parish, and especially the students of the school system. More than half of the residents and students of Plaquemines Parish were either homeless or living in temporary housing. The students in the severely affected areas of our parish were forced to attend schools other than their own traveling many miles to get there. It was our intent to get these displaced students as close to their original locations as possible. We don't expect to be excused for any minor discrepancies that may have occurred along the way, but we do hope that compassion will prevail. We have been working with USAC and the E-Rate system since it's inception and have diligently tried to work within the framework of this system. It has never been our intent to misuse E-rate funds. Without E-rate funding, we would not be able to serve our students as they deserve to be served.



Lucien Cusimano

I T Director

Plaquemines Parish School Board

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